

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEVEN PLAVIN, on behalf of himself and all others similarly situated,)	
)	
)	
Plaintiff,)	3:17-cv-01462
)	(Judge Mariani)
v.)	
)	
GROUP HEALTH INCORPORATED,)	
)	
Defendant.)	
)	
)	

**PLAINTIFF STEVEN PLAVIN’S UNOPPOSED
MOTION TO EXTEND TIME TO RESPOND
TO DEFENDANT’S MOTION TO DISMISS OR
FILE AN AMENDED COMPLAINT AS OF RIGHT**

Plaintiff Steven Plavin, by and through counsel, files the within Unopposed Motion to Extend Time to Respond to Defendant Group Health Incorporated’s Motion to Dismiss (Dkt. 31) or File An Amended Complaint as of Right as follows:

1. Plaintiff completed service of the Complaint upon Defendant on or about August 18, 2017 by personal service. The deadline to answer, plead, or move with respect to the Complaint was September 8, 2017.
2. The parties jointly agreed to permit Defendant an extension of time to answer, plead, or move until October 6, 2017.

3. The Court granted Defendant's unopposed motion by order dated September 8, 2017 (Dkt. 15).

4. Defendant filed its Motion to Dismiss and Supporting Brief on October 6, 2017 (Dkt. 31).

5. Pursuant to Local Rule 7.6, Plaintiff's Response is due October 20, 2017.

6. Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Plaintiff may amend the Complaint as of right on or before October 27, 2017.

7. The parties have jointly agreed to permit Plaintiff an extension of time to respond to the Motion to Dismiss or file an amended Complaint as of right until November 17, 2017.

8. The purpose of this request is to enable Plaintiff to fully consider and respond to Defendant's Motion and Supporting Brief, which is 150% of the usual length authorized in this District, *see* Dkt. 25 (order granting word limit extension from 5,000 to 7,500 words), Dkt. 31-1 at 33 (certifying that GHI's brief contains 7,499 words), and presents numerous independent grounds for dismissal, as well as to accommodate the trial schedules of Plaintiff's counsel affected by the extension granted to Defendant.

9. Plaintiff files this motion to memorialize the agreement among counsel regarding an extension of time to respond to the Motion to Dismiss or

file an amended Complaint, and to seek the Court's approval of the same.

10. Counsel for Plaintiff has conferred with counsel for Defendant, who consents to the filing of this Motion.

WHEREFORE, Plaintiff respectfully requests that the Court grant this Unopposed Motion to Extend Time to Respond to Defendant's Motion to Dismiss or File An Amended Complaint as of Right and allow Plaintiff to respond to the Motion to Dismiss or file an amended Complaint on or before November 17, 2017.

Dated: October 11, 2017

/s/ William Christopher Carmody
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Attorneys for Plaintiff and the Class

CERTIFICATE REGARDING CONCURRENCE

I certify that by email dated October 10, 2017, I sought concurrence from counsel for GHI in this motion. By email dated the same day, counsel for GHI consented to Plaintiff's request for an extension of time to respond to the Motion to Dismiss or file an amended Complaint until November 17, 2017.

/s/ Halley W. Josephs

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served via electronic means on the following counsel of record, this 11th day of October, 2017, as indicated below:

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